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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR THE ELABORATION OF AN INTERNATIONAL
CONVENTION TO COMBAT DESERTIFICATION
IN THOSE COUNTRIES EXPERIENCING SERIOUS
DROUGHT AND/OR DESERTIFICATION, PARTICULARLY
IN AFRICA
Tenth session
New York, 6-17 January 1997
Agenda item 2

DRAFT RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES

Note by the Secretariat

Attached is the revised negotiating text of the rules of procedure of the Conference of the Parties reflecting deliberations in Working Group II at the ninth session.

GE.96-64134

RECOMMENDATION TO THE CONFERENCE OF THE PARTIES

Rules of procedure of the Conference of the Parties

The Intergovernmental Negotiating Committee,

Recalling its mandate to prepare for the first session of the Conference of the Parties pursuant to General Assembly resolution 49/234, of 23 December 1994,

Recommends that the Conference of the Parties, at its first session, adopt the following decision regarding the rules of procedure of the Conference of the Parties:

Rules of procedure of the Conference of the Parties

The Conference of the Parties,

Considering the provisions of the Convention, particularly article 22, paragraph 3, which stipulates that the Conference of the Parties shall adopt, at its first session, its own rules of procedure,

Having examined the recommendations of the Intergovernmental Negotiating Committee on the rules of procedure of the Conference of the Parties,

Decides to adopt the rules of procedure attached to the present decision.

TABLE OF CONTENTS

I. INTRODUCTION 4

II. SESSIONS 5

III. OBSERVERS 6

IV. AGENDA 6

V. REPRESENTATION AND CREDENTIALS 8

VI. OFFICERS 9

VII. SUBSIDIARY BODIES 11

VIII. PERMANENT SECRETARIAT 12

IX. CONDUCT OF BUSINESS 13

X. VOTING 15

XI. ELECTIONS 18

XII. LANGUAGES, SOUND RECORDS AND DISTRIBUTION OF DOCUMENTS 19

XIII. AMENDMENTS TO RULES OF PROCEDURE 19

XIV. OVERRIDING AUTHORITY OF THE CONVENTION 20

XV. MISCELLANEOUS 20

UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

DRAFT RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES

I. INTRODUCTION

Scope

Rule 1

The present rules of procedure shall apply to any session of the Conference of the Parties to the Convention convened in accordance with article 22 of the Convention.

Definitions

Rule 2

For the purposes of the present rules:

(a) "Convention" means the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, adopted at Paris, on 17 June 1994;

(b) "Parties" means Parties to the Convention;

(c) "Conference of the Parties" means the Conference of the Parties established by article 22 of the Convention;

(d) "Session" means any ordinary or extraordinary session of the Conference of the Parties convened in accordance with article 22 of the Convention;

(e) "Regional economic integration organization" means an organization defined in article 1, paragraph (j) of the Convention;

(f) "President" means the President of the Conference of the Parties elected in accordance with rule 22, paragraph 1;

(g) "Permanent Secretariat" means the Permanent Secretariat designated by the Conference of the Parties in accordance with article 23, paragraph 3 of the Convention;

(h) "Subsidiary body" means those bodies established pursuant to article 24 of the Convention, as well as any body, including committees and working groups, established pursuant to article 22, paragraph 2 (c) of the Convention;

(i) "Parties present and voting" means Parties present at the meeting at which voting takes place and casting an affirmative or negative vote; Parties abstaining from voting shall be considered as not voting.

II. SESSIONS

Place of sessions

Rule 3

The sessions of the Conference of the Parties shall take place at the seat of the Permanent Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Permanent Secretariat in consultation with the Parties.

Dates of sessions

Rule 4

1. Unless otherwise decided by the Conference of the Parties, the second, third and fourth ordinary sessions of the Conference of the Parties shall be held yearly, and thereafter, ordinary sessions shall be held every two years.

2. At each ordinary session, the Conference of the Parties shall decide on the date and duration of the next ordinary session. The Conference of the Parties should endeavour not to hold such sessions at a time which would make the attendance of a significant number of delegations difficult.

3. Extraordinary sessions of the Conference of the Parties shall be held at such times as may be decided either by the Conference of the Parties in ordinary session or at the written request of any Party, provided that, within three months of the request being communicated to the Parties by the Permanent Secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary session held at the written request of a Party, it shall be held not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3.

Notification of sessions

Rule 5

The Permanent Secretariat shall notify all Parties of the dates and venue of [a][an ordinary] session at least two months before the session is due to commence. [The date and venue of an extraordinary session shall be notified in the communication to the Parties by the Permanent Secretariat pursuant to rule 4, paragraph 3].

III. OBSERVERS

Participation of United Nations and specialized agencies

Rule 6

1. The United Nations, its specialized agencies, any State member thereof or observers thereto not Party to the Convention, as well as [the] organization[s] housing the Global Mechanism pursuant to article 21, paragraph (5) of the Convention, may be represented at sessions of the Conference of the Parties as observers.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any session, unless at least one third of the Parties present at the session object.

Participation of other bodies or agencies

Rule 7

1. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Permanent Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer may be so admitted unless at least one third of the Parties present at the session object.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any session in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the session object.

Notification by Secretariat

Rule 8

The Permanent Secretariat shall notify those entitled to be observers pursuant to rules 6 and 7 of the date and venue of any session scheduled by the Conference of the Parties.

IV. AGENDA

Preparation of provisional agenda

Rule 9

In agreement with the President, the Permanent Secretariat shall prepare the provisional agenda of each session.

Items on provisional agenda

Rule 10

The provisional agenda for each ordinary session shall include, as appropriate:

(a) Items arising from the articles of the Convention, including those specified in its article 22;

(b) Items the inclusion of which has been decided at a previous session;

(c) Items referred to in rule 16 of the present rules of procedure;

(d) The proposed budget as well as all questions pertaining to the accounts and financial arrangements;

(e) Any item proposed by a Party and received by the Permanent Secretariat before the provisional agenda is circulated.

Distribution of provisional agenda

Rule 11

For each ordinary session, the provisional agenda, together with supporting documents, shall be distributed in the official languages by the Permanent Secretariat to the Parties at least six weeks before the opening of the session.

Supplementary items

Rule 12

The Permanent Secretariat shall, in agreement with the President, include any item which is proposed by a Party and has been received by the Permanent Secretariat after the provisional agenda has been produced, but before the opening of the session, in a supplementary provisional agenda.

Addition, deletion, deferment or amendment of items

Rule 13

When adopting the agenda, the Conference of the Parties may decide to add, delete, defer or amend items. Only items which are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

Provisional agenda of extraordinary session

Rule 14

The provisional agenda for an extraordinary session shall consist only of those items proposed for consideration in the request for the holding of the extraordinary session. It shall be distributed to the Parties at the same time as the invitation to the extraordinary session.

Report on administrative and budgetary implications

Rule 15

The Permanent Secretariat shall report to the Conference of the Parties on the administrative and budgetary implications of all substantive agenda items submitted to the session, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received the report of the Permanent Secretariat on the administrative and budgetary implications.

Incomplete consideration of item

Rule 16

Any item of the agenda of an ordinary session, consideration of which has not been completed at the session, shall be included automatically in the agenda of the next ordinary session, unless otherwise decided by the Conference of the Parties.

V. REPRESENTATION AND CREDENTIALS

Composition of delegation

Rule 17

Each Party participating in a session shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Alternates and advisors

Rule 18

An alternate representative or an advisor may act as a representative upon designation by the head of delegation.

Submission of credentials

Rule 19

The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the Permanent Secretariat if possible not later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the Permanent Secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Examination of credentials

Rule 20

The Bureau of any session shall examine the credentials and submit its report to the Conference of the Parties for decision.

Provisional participation

Rule 21

Representatives shall be entitled to participate provisionally in the session, pending a decision by the Conference of the Parties to accept their credentials.

VI. OFFICERS

Election of officers

Rule 22

[1. At the commencement of the first meeting of each ordinary session, a President, [three][nine] Vice-Presidents and the Chairperson of the Committee on Science and Technology shall be elected from among the representatives of the Parties present at the session [in a manner that every geographical region shall be represented by at least two members]. They shall serve as the Bureau of the session. One of the Vice-Presidents shall act as Rapporteur. In appointing the Bureau, due regard shall be paid to the need to ensure equitable geographical distribution and adequate representation of affected country Parties [in the regions referred to in the implementation annexes of the Convention], particularly those in Africa. The offices of President and Rapporteur shall normally be subject to rotation among the regional groups recognized by the practice of the United Nations.

2. The officers referred to in paragraph 1 shall remain in office until their successors are elected at the next ordinary session and shall serve in that capacity at any intervening extraordinary sessions. No officer may serve on the Bureau for more than two consecutive terms.

3. The President shall participate in the session in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the session and to exercise the right to vote.]

General powers of the President

Rule 23

1. In addition to exercising the powers conferred upon the President elsewhere by the present rules, the President shall declare the opening and closing of the session, preside at the meetings of the session, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order thereat.

2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

3. The President, in the exercise of the powers of that office, remains under the authority of the Conference of the Parties.

Acting President

Rule 24

1. The President, if temporarily absent from a meeting or any part thereof, shall designate a Vice-President to act as President. The President so designated shall not at the same time exercise the rights of a representative of a Party.

2. A Vice-President acting as President shall have the powers and duties of the President.

Replacement of an officer

Rule 25

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's mandate.

Temporary President

Rule 26

At the first meeting of each ordinary session, the President of the previous ordinary session, or in the absence of the President, a Vice-President, shall preside until the Conference of the Parties has elected a President for the session.

VII. SUBSIDIARY BODIES

Application of rules to subsidiary bodies

Rule 27

Save as provided in rules 28 to 32, the present rules shall apply *mutatis mutandis* to the proceedings of any subsidiary bodies.

Establishment of subsidiary bodies

Rule 28

The Conference of the Parties may establish such subsidiary bodies as are deemed necessary for the implementation of the Convention.

Quorum for non open-ended subsidiary bodies

Rule 29

In the case of a subsidiary body that is not open-ended, a majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

Dates of meetings

Rule 30

The Committee on Science and Technology shall meet in conjunction with the ordinary sessions of the Conference of the Parties. Meetings of any other subsidiary bodies shall be held in conjunction with the sessions of the Conference of the Parties, unless the Conference of the Parties decides otherwise.

Election of officers of subsidiary bodies

Rule 31

The Chairperson of the Committee on Science and Technology shall be elected by the Conference of the Parties. Unless the Conference of the Parties decides otherwise, the Chairperson of any other subsidiary body shall be elected by the Conference of the Parties. Each subsidiary body shall elect its own Vice-Chairpersons, one of which shall act as Rapporteur. The Chairperson and Vice-Chairpersons of such subsidiary bodies shall be elected with due regard to the need to ensure equitable geographical distribution and adequate representation of affected country Parties [in the regions referred to in the implementation annexes of the Convention], particularly those in Africa, and shall not serve for more than two consecutive terms.

Voting in subsidiary bodies

Rule 31 bis

Subject to rule 31, subsidiary bodies shall not take votes.

Matters for consideration

Rule 32

Subject to article 24 of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and may authorize the President, upon the request of a subsidiary body, to adjust the allocation of work.

VIII. PERMANENT SECRETARIAT

Duties of the head of the Permanent Secretariat

Rule 33

1. The head of the Permanent Secretariat, or the representative of the head of the Permanent Secretariat, shall exercise the functions of that office in all sessions of the Conference of the Parties and of its subsidiary bodies.

2. The head of the Permanent Secretariat shall arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources. The head of the Permanent Secretariat shall manage and direct such staff and services and provide appropriate support and advice to the presiding and other officers of the Conference of the Parties and of its subsidiary bodies.

Functions of the Permanent Secretariat

Rule 34

In addition to its functions specified in the Convention, particularly in article 23, the Permanent Secretariat shall in accordance with the present rules:

(a) Arrange for interpretation at the session;

(b) Collect, translate, reproduce and distribute the documents of the session;

(c) Publish and distribute the official documents of the session;

(d) Make, and arrange for keeping of, sound recordings of the session;

(e) Arrange for the custody and preservation of the documents of the session; and

(f) Perform all other work that the Conference of the Parties may require.

IX. CONDUCT OF BUSINESS

Meetings

Rule 35 1/

1. Meetings of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

2. Meetings of standing subsidiary bodies shall be public unless the subsidiary body concerned decides otherwise.

3. Meetings of ad hoc subsidiary bodies shall be private unless the ad hoc subsidiary body concerned decides otherwise.

Quorum

Rule 36

The President shall not declare a meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Convention are present. The presence of two thirds of the Parties to the Convention shall be required for any decision to be taken.

1/It has been proposed to move subparagraphs 2 and 3 of rule 35 to rule 28, in view of rule 27.

Procedures for speaking

Rule 37

1. No one may speak at a meeting of the Conference of the Parties without having previously obtained the permission of the President. Subject to rules 38, 39, 40 and 42, the President shall call upon speakers in the order in which they signify their desire to speak. The Permanent Secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Precedence

Rule 38

The Chairperson or Rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

Points of order

Rule 39

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with the present rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Decisions on competence

Rule 40

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote taken on the proposal or amendment in question.

Proposals and amendments to proposals

Rule 41

Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the Parties and handed to the Permanent Secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting unless copies of it have been circulated to delegations in all the official languages not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of proposals, amendments to proposals or of procedural motions even though these proposals, amendments or motions have not been circulated or have been circulated only the same day.

Order of procedural motions

Rule 42

1. Subject to rule 39, the following motions shall have precedence in the order indicated below over all other proposals or motions:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within paragraph 1 (a) to (d) shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Withdrawal of proposals or motions

Rule 43

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

Reconsideration of proposals

Rule 44

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover, to one speaker in favour of, and two against, the proposal, after which it shall be put immediately to the vote.

X. VOTING

Right to vote

Rule 45

1. Each Party shall have one vote, except as provided for in paragraph 2.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Majority required

Rule 46

1. [The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, [except for decisions taken under article 21 [and article 22 paragraph 2 (g)] of the Convention which shall be agreed upon by consensus, or]2/ unless otherwise provided by

(a) the Convention,

(b) the financial rules referred to in article 22, paragraph 2 (e) of the Convention, or

(c) the present rules of procedure.]

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.

3. If the question arises as to whether a matter is one of a procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If, on matters other than elections, a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as withdrawn.

2/ It has also been suggested that any requirement for consensus on financial matters would be better addressed in the financial rules. Such a requirement would be covered by rule 46, subparagraph 1 (b) of the rules of procedure.

Order of voting on proposals

Rule 47

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

Division of proposals and amendments

Rule 48

1. Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The President may limit the time allowed to each speaker.

2. If the request referred to in paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal which are approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Amendment to a proposal

Rule 49

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Order of voting on amendments to a proposal

Rule 50

If two or more amendments are moved to a proposal, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

Method of voting for general matters

Rule 51

1. Voting, except for elections, shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken [in the English alphabetical order][in the chronological order in which the Parties have deposited their instrument of ratification, acceptance, approval or accession with the Depository of the Convention] of the names of the Parties participating in the session, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

2. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call.

3. The vote of each Party participating in a roll-call or recorded vote shall be included in the relevant documents of the session.

Conduct during voting

Rule 52

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his/her vote on his/her own proposal or amendment, except if it has been amended.

XI. ELECTIONS

Method of voting for elections

Rule 53

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

Absence of majority

Rule 54

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1.

Election to two or more elective places

Rule 55

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XII. LANGUAGES AND SOUND RECORDS

Official languages

Rule 56

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

Interpretation

Rule 57

1. Statements made in an official language shall be interpreted into the other official languages.

2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one such official language.

Languages of official documents

Rule 58

Official documents of the sessions shall be drawn up in one of the official languages and translated into the other official languages. [In case of difference between the texts, the original text shall prevail.]

Sound records of sessions

Rule 59

Sound records of the sessions of the Conference of the Parties, and whenever possible of the subsidiary bodies, shall be kept by the Permanent Secretariat, consistent with the practice of the United Nations.

XIII. AMENDMENTS TO THE RULES OF PROCEDURE

Amendments

Rule 60

The present rules of procedure may be amended by the Conference of the Parties by consensus.

XIV. OVERRIDING AUTHORITY OF THE CONVENTION

Precedence of Convention

Rule 61

In the event of any conflict between any provision of the present rules and any provisions of the Convention, the latter shall prevail.

XV. MISCELLANEOUS

Italicized headings

Rule 62

The italicized headings of the present rules are for reference purposes only. They shall be disregarded in the interpretation of the rules.